

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ARCHIE RACHEL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-141-R
)	
JEFFREY TROUT, et al.,)	
)	
Defendants.)	

ORDER

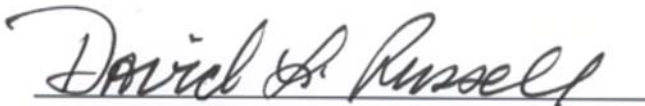
Before the Court is the Report and Recommendation of United States Magistrate Judge Shon T. Erwin [Doc. 105] recommending that Plaintiff's Motion for Summary Judgment against Defendant Genese McCoy be DENIED. Plaintiff has objected. [Doc. 109]. The Court reviews the Report and Recommendation de novo in light of Plaintiff's objection.

Defendant McCoy was formerly responsible for reviewing and responding to medical grievance appeals for the Oklahoma Department of Corrections. [See Doc. 78, at 5]. Plaintiff alleges that McCoy's rejection of two of his grievance appeals constituted deliberate indifference to his medical needs. The Magistrate Judge found that summary judgment against McCoy would be inappropriate because she had put forth evidence creating genuine issues of fact as to whether (1) Plaintiff submitted his grievances in a procedurally proper manner and (2) whether she was responsible for providing health care in her capacity with the Department of Corrections. Plaintiff's objection is merely that

Defendant McCoy must have been deliberately indifferent to his medical needs due to her power to review grievance appeals. But again, as explained by the Magistrate, that contention is in no way certain due to McCoy's supervisory role.

The Court thus ADOPTS the Report and Recommendation [Doc. 105]. Plaintiff's Motion for Summary Judgment [Doc. 71] is therefore DENIED. This case is re-referred to the Magistrate for further proceedings.

IT IS SO ORDERED this 21st day of April 2017.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE